

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

.....
In re: Special Counsel Investigation

:
Misc. No. 04-296 (TFH)

FILED

.....
AUG 24 2004

ORDER

NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

Pending before the Court is the Agreed Motion of the UNITED STATES OF AMERICA, by PATRICK J. FITZGERALD, SPECIAL COUNSEL, to vacate this Court's order dated August 6, 2004 holding witnesses Matthew Cooper and TIME Inc. in civil contempt of court pursuant to 28 U.S.C. § 1826. After conducting a hearing on August 23, 2004 and being fully advised, this Court finds that:

1. Matthew Cooper and TIME Inc. have provided testimony and documents in a proceeding ancillary to the subject grand jury investigation, thereby complying with the subpoenas issued to them on May 24, 2004 and August 3, 2004, respectively.
2. Based on their compliance with the grand jury subpoenas, Matthew Cooper and TIME Inc. are no longer in contempt of this Court.

Based on the foregoing findings of fact, and for the reasons stated in open court, it is hereby

ORDERED that:

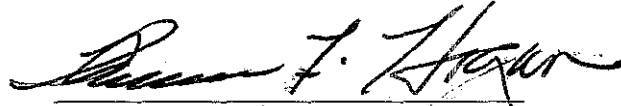
1. That portion of the order dated August 6, 2004 in which this Court ordered that Matthew Cooper be confined and that TIME Inc. pay fines until such time as they are willing to comply with the grand jury subpoenas issued to them is **HEREBY VACATED**.
2. All submissions and court proceedings relating the subject grand jury investigation and motions to quash other than: (a) Order and Memorandum Opinion dated July 20, 2004; (b) Response of Matthew Cooper to Motion of Government for Entry of Order to Show Cause; (c) Government's Memorandum Regarding Contempt Proceeding; and (d) transcript of the

(15)

August 6, 2004 hearing, will remain under seal until further order of the Court.

SO ORDERED.

August 20, 2004.
3rd
TFH

A handwritten signature in dark ink, appearing to read "Thomas F. Hogan", written over a horizontal line.

The Honorable Thomas F. Hogan
United States District Judge